

Rye City Planning Commission Minutes

October 22, 2002

PRESENT:

Michael W. Klemens, Chairman
Peter Larr, Vice-Chairman
Franklin Chu
Hugh Greechan
Martha Monserrate
Barbara Cummings

ABSENT:

ALSO PRESENT:

Christian K. Miller, AICP, City Planner
George Mottarella, City Engineer
Nicholas Hodnett, CC/AC Chairman

Chairman Klemens called the regular meeting to order in the Council Hearing Room of the City Hall and noted that a quorum was present to conduct official business.

I. HEARINGS

1. 6 Walden Lane Subdivision

Chairman Klemens read the public notice.

The City Planner indicated that the prior public hearing failed to notify at least one and possibly two property owners within the required notification area. He indicated that the applicant distributed a new notice to residents within the entire notification area for the October 22 meeting.

Jeff Megan (applicant's attorney) indicated that a new public hearing notice had been circulated. Mr. Megan noted that a new notification sign was added on the property's frontage with Brevoort Lane and that the existing vegetation was trimmed to make the sign more visible from the street.

Mr. Megan noted that the application involves a two-lot subdivision with access for one lot from Walden Lane and the other from Brevoort Lane. Mr. Megan indicated that a restricted area on a portion of Parcel A was included and a metes and bounds description was provided to the Commission.

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1 Larry Nardecchia (applicant's engineer) provided an overview of the proposed drainage
2 system, noting that the proposed system of drywells would accommodate the additional
3 storm water runoff from the new driveway and house construction. Mr. Nardecchia noted
4 that the plan followed Westchester County Best Management Practices and that a ten-foot
5 drywell on each lot should achieve a 128% to 176% detention capability for a 25-year
6 storm event. Supporting drainage calculations were provided.

7
8 Angelo Vassello (22 Greenhaven Road resident) noted concern with the proposed
9 development and its impact on the privacy of his property and adverse impact on
10 neighborhood character. Mr. Vassello noted that no details of the residence had been
11 provided including its size, height and configuration. The City Planner explained that such
12 details would be provided in connection with the Board of Architectural Review's (BAR)
13 evaluation of the application. He noted that the floor area and height of the house would be
14 limited to the maximum permitted by the R-3 Zoning District and that a building envelope
15 was shown on the plan showing the minimum setbacks of the residences. The City Planner
16 also explained that if the house or driveway configuration changes to impact a tree
17 designated to be protected that the applicant would be required to return to the Planning
18 Commission for approval to amend the tree preservation plan.

19
20 Marvin Reese (5 Walden Lane resident) questioned whether the application complies with
21 the minimum lot area requirements of the R-3 Zoning District. He reasoned that since the
22 area within the proposed restricted area could not be fully used it should not be counted in
23 lot area, thereby falling below the minimum lot area requirement. The Commission
24 explained that the area in question was only under an easement and that such areas are
25 included in minimum lot area requirements.

26
27 Chris Molinari (24 Greenhaven Road resident) noted that she is an abutting property owner
28 to the site. She indicated that there is a property line marker placed on her property in the
29 1950s that indicates that trees #1 and #5 are on the property line shared with the applicant.
30 She requested that these trees be preserved and removed from the tree preservation plan.
31 The City Planner noted that the trees were required by the City's Subdivision Regulations
32 to be shown on the plan because of their size.

33
34 Mrs. Molinari further requested that of the ten trees proposed to be removed that trees #3,
35 #7, #17 and #18 also be preserved. She noted that the proposed grading be revised to
36 preserve these trees. She requested that a substantial landscape buffer be provided along
37 perimeter property lines.

38
39 Alfonso Kipshe (Walden Lane resident) noted concern with the proposed driveway location
40 and its potential drainage impacts on his property. Mr. Kipshe questioned whether storm
41 water would runoff the new driveway during heavy rains and impact his property, which is
42 located opposite and below the site. The applicant's engineer responded that a trough

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1 drain would be provided on the driveway near the street to intercept storm water runoff and
2 divert it to drywells.

3
4 Christian Daviron (92 Greenhaven resident) echoed the tree preservation concerns of Mrs.
5 Molinari, but further requested that tree #10 also be preserved. She discussed the size
6 and types of trees to be removed and requested that they be preserved even though many
7 of the trees were non-native. She recommended that replacement trees be provided that
8 within five years will reach the same size of the trees to be removed. She noted that
9 hemlock screening should not be provided given the susceptibility of those trees to
10 disease.

11
12 On a motion made by Peter Larr, seconded by Franklin Chu and carried by the following
13 vote:

14
15 AYES: Michael Klemens, Peter Larr, Franklin Chu, Barbara Cummings, Hugh
16 Greechan, Martha Monserrate

17 NAYS: None

18 RECUSED: None

19 ABSENT: None

20
21 the Planning Commission took the following action:

22
23 **ACTION:** The Commission closed the public hearing on Final Subdivision Plat and
24 Coastal Consistency application number SUB275.

25 26 27 **2. 2 School Street**

28
29 Chairman Klemens read the public notice.

30
31 Linda Whitehead (applicant's attorney) provided an overview of the application, noting that
32 the applicant proposes to construct a one-story rear addition to an existing 2 ½-story
33 building. She noted that the existing detached garage on the property would be removed
34 and a new 1 ½-story garage would be provided. The new garage would have parking for
35 four vehicles and storage within the ½-story above. Mrs. Whitehead explained the
36 proposed site access from Smith Street.

37
38 Mrs. Larkin (abutting Smith Street resident) noted that she received multiple notices
39 regarding the application and that she met with the City Planner to review the proposed
40 site plans. She noted the following concerns and comments with respect to the application:

- 41
42 • The history of the property and its current use of on-site parking were explained.

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- 1 • Area traffic conditions were noted, particularly the one-way travel pattern on Smith
- 2 Street and the relationship of the site access to the existing "DO NOT ENTER"
- 3 signs along the site's frontage.
- 4 • She noted the impact of the development on existing curb cuts and sidewalk
- 5 conditions.
- 6 • Storm water drainage concerns were noted. Mrs. Larkin noted that storm water
- 7 comes down Smith Street to the site from the Loudon Woods neighborhood.
- 8 • Mrs. Larkin noted concern with the relationship of the proposed garage to her
- 9 residence. She indicated that her husband has respiratory problems that could be
- 10 aggravated by the exhaust from vehicles in the garage. She noted the location of
- 11 adjacent windows on her residence that could receive fumes.
- 12 • She noted that the proximity of the garage and its height would block air and light to
- 13 her residence.
- 14 • Mrs. Larkin noted that the existing open and landscaped character of the site would
- 15 be lost and should be preserved. She suggested that the site might not be big
- 16 enough for the applicant's intended use.
- 17 • Mrs. Larkin questioned the intensity of the proposed use for the site and
- 18 neighborhood.

19
20 The City Planner requested that Ms. Whitehead explain the proposed use. Ms. Whitehead
21 noted that the applicant intends to use the property as an office use. He would have four
22 full-time employees, some part-time employees and visitors. Ms. Whitehead also
23 responded to Mrs. Larkin's comments noting that the open portion of the garage would
24 face away from the abutting property and that all impacted sidewalks and curb cuts would
25 be restored.

26
27 The Commission discussed the applicable zoning district standards for the property and
28 the view/relationship of the site from Mrs. Larkin's residence. Ms. Whitehead noted that
29 the application complied with zoning and that on-site parking exceeded the minimum
30 required, which she suggested was desirable given the limited amount of parking in the
31 Central Business District. David Mooney (applicant's architect) noted that the part-time
32 employees would not work at the same time, thereby minimizing parking demand. Ms.
33 Whitehead explained that the garage is not significantly higher than the existing detached
34 garage and will not significantly impact light and air concerns on adjacent properties. She
35 noted that all drainage would go into the existing City drainage system and that the existing
36 perimeter hedges would remain except where they would need to be removed for the new
37 driveway or garage.

38
39 On a motion made by Peter Larr, seconded by Barbara Cummings and carried by the
40 following vote:

41
42 AYES: Michael Klemens, Peter Larr, Franklin Chu, Barbara Cummings, Hugh
43 Greechan, Martha Monserrate

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NAYS: None

RECUSED: None

ABSENT: None

the Planning Commission took the following action:

ACTION: The Commission closed the public hearing on Modified Site Plan application number SP228A.

II. ITEMS PENDING ACTION

1. 6 Walden Lane Subdivision

The Commission discussed the tree preservation comments raised during the public hearing. The Commission noted that despite a neighbor's request that trees #1 and #5 be removed from the plan they actually offer the neighbor more protection if shown. If not shown on the plan it could be interpreted that these trees were not intended to be preserved. The Commission noted that it wanted to review any future request to modify the tree preservation plan to remove trees designated to be preserved.

The Commission discussed with the applicant's landscape architect the need for the extent of grading near trees #3, #7, #10, #17 and #18 and their need for removal. Each tree, its condition and possible plan modifications to preserve it was discussed. The Commission agreed that the applicant should revise the plan to reduce the extent of fill to protect trees #3, #7, #17 and #18. Tree #10, the Commission recognized could not be preserved given the location of the proposed driveway. The Commission also discussed the preservation of tree #21, but accepted the landscape architect's opinion that the tree was in poor health and that its loss was eminent.

The Commission requested that the applicant consider providing additional perimeter landscape screening to offset the tree loss and privacy concerns of the neighbors. Anthony Acocella (applicant's landscape architect) noted that the planted screen along the northern property line may be difficult due to the shallow depth to bedrock.

The Commission discussed with the City Engineer the proposed drainage plan and suggested that the plan be revised to eliminate the use of very large 10-foot drywells with smaller drywells that are better suited to the site.

2. 2 School Street

The Commission discussed the applicant's need for the detached storage/garage building. Ms. Whitehead noted that the existing building was not large enough to

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1 accommodate the storage needs of the applicant. The City Planner noted that garage
2 parking is generally considered desirable from an aesthetic perspective rather than
3 surface parking. The Commission noted that it appeared that the applicant's storage
4 needs, rather than parking, appeared to be driving the need for the garage and that the
5 applicant might consider modifying the site plan to provide storage within the existing
6 building on the site. The Commission discussed ways to minimize the loss of light and air
7 on the adjacent property owner. The Commission requested that a sight-line diagram be
8 provided showing the relationship of the height and setback of the garage to the adjacent
9 Larkin property.

10
11 The Commission and City Planner discussed the extent of impervious area on the property
12 and requested that it be reduced in area. The City Planner suggested that the plan could
13 be revised to shift the garage six feet off the Larkin property line thereby potentially
14 addressing concerns of the neighbor and reducing the extent of on-site paving. The
15 Commission agreed with this concept but noted the six-foot area between the garage and
16 property line could become a "dead zone" if not properly landscaped and maintained.

17
18 The Commission discussed the proposed site access and its relationship to the existing
19 "DO NOT ENTER" signs on Smith Street. The City Engineer noted that the existing signs
20 could be moved up to four feet from their current location and not require a change in the
21 City's Vehicle and Traffic Law.

22 23 **3. Beechwind Properties, LLC**

24
25 Albert Pirro (applicant) provided an overview of alternative site development plans for the
26 site. The Commission questioned which plan the applicant was pursuing. Mr. Pirro noted
27 that no specific plan was being formally proposed, but rather alternative plans were being
28 shown to give the Commission a sense of some of the development possibilities for the
29 site. Mr. Pirro provided an overview of a plan showing 4 single-family residential units with
30 public access to the waterfront. The public access would be in the form of a 5-foot
31 boardwalk with a promenade. Mr. Pirro noted that the plans for a new on-site roadway
32 would provide additional views of Milton Harbor not currently afforded at the property today.
33 Mr. Pirro also noted an alternative site plan that preserves the oldest building on the
34 property consistent with the recommendations of Mr. Cummings.

35
36 Mr. Pirro reiterated that the plans are conceptual and that they likely would change at the
37 time of final site plan approval by the Planning Commission. Mr. Pirro noted that similar
38 projects exist in Westchester County and on Long Island. Rex Gedney (applicant's
39 architect) noted that the Zoning Board asked at its last meeting for the applicant to provide
40 draft bylaws of membership clubs similar to those provided for projects in other
41 communities. Mr. Gedney noted that the zoning board of appeals was struggling with the
42 proposed use and whether it is indeed a membership club.

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1 The Commission deliberated the proposed alternative site development plans and agreed
2 that it's focus in terms of the LWRP coastal consistency review should be on the proposed
3 use rather than any specific site plan. The Commission agreed that the City Planner
4 should prepare a memorandum for its consideration that outlines the circumstances under
5 which the proposed use be consider consistent with the City's LWRP.

6
7 The Commission noted that the proposed use could be considered consistent if it provided
8 some form of public access to the waterfront. The Commission also noted that the use
9 should provide for the preservation of existing historic structures on the property and be
10 developed at a scale and size that is consistent with the character with the "Milltown" area,
11 as recommended by Diane Moran in her memorandum to the Planning Commission. The
12 Commission also noted that a site development that provides for improved views to Milton
13 Harbor would be a preferred development scenario and that some of the plans presented
14 by the applicant during the course of the Planning Commission's review achieve a greater
15 visual access than others.

17 4. Community Synagogue of Rye

18
19 Jonathan Kraut (applicant's attorney) noted that the Synagogue received approval in
20 October 2001 and that it has not initiated construction on the proposed addition. Mr. Kraut
21 noted that fund raising for the building has been much slower than expected due in large
22 part by the events of September 11, 2001. He requested a one-year extension of time and
23 that if the applicant's plans change due to funding limitations, that the synagogue would
24 return to the Commission for modify site plan approval.

25
26 On a motion made by Peter Larr, seconded by Barbara Cummings and carried by the
27 following vote:

28
29 AYES: Michael Klemens, Peter Larr, Franklin Chu, Barbara Cummings, Hugh
30 Greechan, Martha Monserrate

31 NAYS: None

32 RECUSED: None

33 ABSENT: None

34
35 the Planning Commission took the following action:

36
37 **ACTION:** The Planning Commission adopted a resolution approving the one-year
38 extension of original approval for Site Plan application number SP146A.

40 5. 14 Ann Lane Subdivision

41
42 Paul Berte (applicant's engineer) provided an overview of the plan modifications
43 addressing the comments of the Planning Commission at its last meeting. Mr. Berte noted

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1 the extent of the slope disturbance on the rear property line had been reduced and the
2 proposed drywells had been relocated further away from the slope. He noted that to
3 achieve the slope disturbance reductions the proposed homes and retaining walls had
4 been relocated.

5
6 Linda Whitehead (applicant's attorney) noted that the full environmental assessment form
7 had been revised to address the comments of the City Planner. Ms. Whitehead discussed
8 the proposed changes to Ann Lane, including the extension of the roadway onto the
9 applicant's property and the provision for a new drainage system within Ann Lane,
10 extending from the project site to Forest Avenue. Ms. Whitehead noted that relocating the
11 existing cul-de-sac bulb on Ann Lane onto the applicant's property would afford current
12 abutting property owners the opportunity to acquire additional land area if the City Council
13 chooses to demap that portion of Ann Lane.

14
15 The Commission discussed the potential historical significance of the existing carriage
16 house on the property. The Commission directed the City Planner to make the Landmarks
17 Commission and Rye Historical Society aware of the application and request their
18 comments. Ms. Whitehead noted that the building currently is in a severely deteriorated
19 condition and that it has been subject to prior condemnation efforts by the Rye City Building
20 Department.

21
22 The Commission discussed the possibility of extending a pedestrian access from the end
23 of Ann Lane to the adjacent Midland School property. The Commission noted that the
24 applicant should consider providing such access but that there are concerns relating to
25 ownership of the easement area, liability to the City or private property owners,
26 handicapped accessibility and hardship to abutting property owners. The Commission
27 discussed that if such access were provided, a portion of it could be counted towards the
28 required parkland dedication required by the City's Sub Division Regulations.

29
30 The Commission agreed to set a public hearing for its next meeting provided that applicant
31 consent to the Commission deferring its determination of significance required by SEQRA
32 until after the comments of the public have been heard. Ms. Whitehead consented to
33 deferring the determination of significance.

34
35 On a motion made by Peter Larr, seconded by Michael Klemens and carried by the
36 following vote:

37
38 AYES: Michael Klemens, Peter Larr, Franklin Chu, Barbara Cummings, Hugh
39 Greechan, Martha Monserrate
40 NAYS: None
41 RECUSED: None
42 ABSENT: None
43

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the Planning Commission took the following action:

ACTION: The Planning Commission set a public hearing on Preliminary Subdivision Plan and Coastal Consistency Application number SUB277.

6. Powers

The Commission discussed the application and the characteristics of the site, based upon its site inspection. The Commission noticed no significant field condition that would impact the proposed development for mitigation plans. The Commission requested the applicant identify 100-year flood elevation. Gerald Markel (applicant's architect) noted that the proposed addition would be two feet above the 100-year flood elevation as required by the City's flood plan management regulations. Mr. Markel indicated that that elevation was approximately 17 feet.

On a motion made by Peter Larr, seconded by Michael Klemens and carried by the following vote:

AYES: Michael Klemens, Peter Larr, Franklin Chu, Barbara Cummings, Hugh Greechan, Martha Monserrate

NAYS: None

RECUSED: None

ABSENT: None

the Planning Commission took the following action:

ACTION: The Planning Commission set a public hearing for its next meeting on November 12, 2002 for Wetland Permit Application number WP118.

7. Barber (Phillips Lane)

Janet Giris (applicant's attorney) provided an overview of the application, noting that the project had been revised in response to The Commission's previous comments and concerns raised during a site inspection in March 2002. Ms. Giris noted that the application involves the removal of an existing home and the construction of a new dwelling. The footprint of the modified house is similar to the previous submission, but has been relocated further outside the 100-year wetland buffer. She noted that the revised plan reduced wetland buffer impacts from the previously proposed 2,300 square feet to 800 square feet. Ms. Giris also noted that the proposed house has approximately the same amount of wetland buffer encroachment as the existing house.

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Ms. Giris provided an overview of the proposed mitigation plan, which involves a planted area outside the 100-foot wetland buffer but within the designated 100-year flood zone located in the front yard of the property. She noted that the proposed wetland mitigation plants are designed to provide a water-quality benefit, treat non-point source runoff prior to it entering an existing catch basin on the property, which has a storm water outfall directly to Long Island Sound.

Ms. Giris noted that the house location had been also revised to reflect the concerns of abutting neighbors regarding shed impacts to Long Island Sound.

The Commission discussed the relationship of the proposed home to the existing pedestrian easement along the side property line and questioned the location of the proposed driveway. The Commission discussed the recommendation of Nicholas Hodnett (CC/AC Chairman) to reduce the amount of impervious area on the site. Ms. Giris responded that it was an approximately 1,200 square foot increase in impervious area on the property, including a 600-foot increase in driveway area, 600-foot increase in house area. Ms. Giris noted that the outer court design could be modified so that a portion consists of pervious material, such as gravel, to reduce storm water runoff.

The Commission discussed the possibility of modifying the proposed wetland mitigation plan to include a sand fill third system. It was noted that this system is a relatively new concept, but could potentially be beneficial in addressing storm water runoff treatment for this site. The Commission noted that the sand fill third design allows for storm water runoff to dissipate quickly while also retaining some water to maintain wetland hydrology. Ms. Giris noted that the applicant would consider such a design.

On a motion made by Michael Klemens, seconded by Peter Larr and carried by the following vote:

AYES: Michael Klemens, Peter Larr, Franklin Chu, Barbara Cummings, Hugh Greechan, Martha Monserrate

NAYS: None

RECUSED: None

ABSENT: None

the Planning Commission took the following action:

ACTION: The Planning Commission set a public hearing for its next meeting on November 12, 2002 for Wetland Permit Application number WP108.

8. Seaside Johnnies

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1 Rex Gedney (Town of Rye's architect) provided an overview of the application noting that it
2 involves the replacement and modest expansion of an existing snack bar. The City Planner
3 noted that based upon his review of the project, that it was considered a Type II action
4 under SEQRA and therefore was exempt from environmental review and the City's Local
5 Waterfront Revitalization Program (LWRP). The City Planner also noted that the proposed
6 improvement was located outside of the 100-foot wetland buffer area and would therefore
7 not require a wetland permit. The City Planner noted that the location of the wetland was
8 based on the knee high tide line as specified in the City's wetland law. In terms of site plan
9 review, Rex Gedney noted that prior modifications to Seaside Johnnies had not required
10 site plan approval by the Commission.

11
12 The Commission discussed the modest nature of the application and the site conditions,
13 based on its site walk. The Commission noted that the proposed expansion would occur
14 largely on an existing concrete pad and would not impact public access or extent of
15 existing beach. The Commission agreed with the City Planner's analysis of required
16 approvals. It was the consensus of the Commission that the City Planner draft for the
17 Chairman's review a memorandum to the City Council noting that the application does not
18 require City approvals and does not appear to have any other significant Planning
19 concerns.

9. Minutes

20
21
22
23 The Planning Commission reviewed and approved the minutes of its September 24 and
24 October 8, 2002 meetings.

25
26
27 There being no further business the Commission unanimously adopted a motion to adjourn
28 the meeting at approximately 11:05 p.m.

29
30 Christian K. Miller, AICP
31 City Planner